

REMARKS

Claims 1-3, 13-17 and 21-32 are pending in the application. Claims 1-3, 13-17, 26, 28, 29, 31 and 32 are rejected. Claims 22, 24, 27 and 30 are objected to. Claims 21, 23 and 25 are allowed. Claims 22, 26 and 28 are herein amended. Claims 1-3, 13-17, 27 and 30 are herein canceled.

Claim Objections

Claims 3, 15, 22, 24, 28 and 31 are objected to under 37 C.F.R. §1.175(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. The term “may be” fails to further limit for any configuration wherein the electrodes are not connected by the shortest distance.

Applicants herein amend claims 22 and 28 to change “may be” to “are”. Applicants submit that this amendment overcomes the rejection.

Applicants note that claim 27 is indicated as objected to, but no specific objection is made in the Office Action. Applicants herein cancel claim 27.

The Examiner notes that if claim 13 is found allowable, he will reject claim 14 as being a substantial duplicate thereof. Applicants herein cancel claims 13 and 14.

Claim Rejections - 35 U.S.C. §112, first paragraph

Claims 1-3 and 13-17 are rejected under 35 U.S.C. §112, first paragraph, because the Examiner asserts that the specification may be enabling for a range of 5-100 microns but does not provide enablement for the narrower range of 11-100 microns. Claims 1-3 and 13-17 are

further rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicants herein cancel claims 1-3 and 13-17.

Claim Rejections - 35 U.S.C. §102

Claims 1 and 3 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,851,693 to Sano et al. Applicants herein cancel claims 1-3.

Claim Rejections - 35 U.S.C. §103

Claims 1 and 3 are rejected under 35 U.S.C. §103(a) as being unpatentable over Takauchi et al. Claim 17 is rejected under 35 U.S.C. §103(a) as being unpatentable over Takauchi et al. in view of Eschbach et al. Applicants herein cancel claims 1-3 and 17.

Claims 13-15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Sano et al. in view of U.S. Patent No. 5,681,357 to Eschbach et al. Claim 16 is rejected under 35 U.S.C. §103(a) as being unpatentable over Sano et al. in view of U.S. Patent No. 4,743,520 to Rosansky. Claim 17 is rejected under 35 U.S.C. §103(a) as being unpatentable over Sano et al. in view of Eschbach et al. Applicants herein cancel claims 13-17.

Claims 26, 28, 29 and 31 are rejected under 35 U.S.C. §103(a) as being unpatentable over Sano et al. in view of Rosansky. Claim 32 is rejected under 35 U.S.C. §103(a) as being unpatentable over Sano et al. in view of Rosansky as applied to claim 26 above, and further in view of U.S. Patent No. 5,681,357 to Rosansky.

Applicants herein cancel claims 27 and 30. Applicants herein amend Claim 26 by importing the allowable subject matter of claim 27, which was merely objected to. Applicants submit that this amendment renders claim 26 into an allowable claim.

Because claims 28, 29, 31 and 32 are dependent from claim 26 and necessarily include at least its limitations, Applicants submit that these claims should be allowable as well.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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